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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,682	12/21/2001	Juha Rasanen	915-410-1	8139

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EXAMINER

TSEGAYE, SABA

ART UNIT PAPER NUMBER

2662

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,682	RASANEN ET AL.	
	Examiner	Art Unit	
	Saba Tsegaye	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the amendment filed on 10/29/04. claims 23-36 are pending. Currently no claims are in condition for allowance.

Claim Rejections - 35 USC § 103

2. Claims 23-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (WO 97/12490) in view of Chung et al. (US 5,901,135).

Regarding claims 23 and 30, Rasanen discloses, in Fig. 1, a network system, in which data is transmitted in form of transmission frames comprising:

a network control unit (MSC) for controlling communication in the network; and

a terminal (DTE) for receiving and transmitting data from/to the network control unit (MSC); wherein.

the network control unit (MSC) is adapted to receive a request for changing a data rate from a first user data rate to a second user data rare (page 13, line 21-page 15, line 20);

the network control unit comprises a network interworking means which is adapted to provide an interface between the network and a second network and wherein the interworking means (41 (pages 9-10)) is adapted to receive the request for a data rate change from the second network and/ or to initiate the request for a data rate change (page 10, line 3-page 11, line 14).

However, Rasanen does not expressly disclose that the control unit adds/deletes fill data to/from a transmission frame corresponding to the requested change of the data rate.

Chung teaches, in Fig. 1, a rate adapter 107 that provide the appropriate stuff and delete bits necessary to maintain the output of source 105 at the nominal rate. Further, rate adapter 127 reverses the stuff or delete bit process provided by adapter 107.

It would have been obvious to one ordinary skill in the art at the time the invention was made to add a system that adds/deletes fill data, such as that suggested by Chung, in the system of Rasanen. One would have been motivated to do this because fill data allows the terminal to know if a data rate is changed according to the request and further to adjust the data rate according the change.

Regarding claims 24 and 31, Rasanen discloses the network system wherein the transmission data rate remains unchanged upon the change of the user data rate (page 22, line 18-24).

Regarding claims 25-29 and 32-36, Rasanen discloses all the claim limitations as stated above. Further, Rasanen discloses that according to CCITT Recommendation, V.110 includes mechanisms, which enable a rate adaptation unit to indicate frequency corrections to the other. These mechanisms also allow an indication of when a bit has to be skipped, or on the contrary to be added. However, Rasanen does not expressly disclose: discards fill data; indications of presence of fill data, amount of fill data, and absence of fill data.

Chung shows, in Fig. 6, a bit designated by reference numerals 601 and 602, is the stuff /delete bit indicator which indicates whether bit 602 is a stuff bit or a delete bit (column 4, lines 34-48).

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It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Chung of adding adds/deletes fill data including fill indication to the message disclosed by Rasanen. One would have been motivated to do this because adding indication allows the receiver to know if the fill data/stuff is present and if a data rate is changed according to the request.

Response to Arguments

3. Applicant's arguments filed 10/29/04 have been fully considered but they are not persuasive. Applicant argues (Remark, page 5-6) that WO 97/12490 (Rasanen) does not show how a seamless data rate change can be achieved between two networks. Examiner respectfully disagrees. Rasanen discloses two different networks and also a network adaptor IWF as admitted by the Applicant. Further, Rasanen discloses, in Fig. 2, that a rate adaptor (DIU) is used in GSM calls to adapt a user data, rate adapted according to a V.110 recommendation (see page 9), from ISDN, as well as the status and control information according to the V.110 recommendation to the GSM traffic channel, and in the opposite direction, the user data from the GSM traffic channel as well as the status and control information to the V.110 frame structure of the ISDN (see page 10, lines 23-35). This shows that the exact end-to-end rate is different when two different networks are involved. To cope with such cases, according to CCITT Recommendation V.110 includes mechanisms, which enable a rate adaptation unit to indicate frequency corrections to the other. These mechanisms also allow an indication of when a bit has to be skipped, or on the contrary to be added. Therefore, Rasanen does show how seamless data rate change can be achieved between the two networks.

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Applicant, further, argues that the secondary reference to Chung et al. does not suggest two different networks. It is respectfully submitted that the rejection is based on the combined teaching of the Rasanen and Chung references and that the Rasanen reference, as pointed out above does teach this feature. Chung teaches a system that provides the appropriate "stuff" and "delete" bits, which is necessary to maintain the bit rate at the nominal rate.

Further, Applicant argues that the Examiner does not show or point to anything from the two references themselves that supplies the requisite motivation. However, motivation for combining two elements does not have to originate from the reference itself, the test for obviousness is whether a person of ordinary skill in the art would have been motivated to combine the elements at the time of invention. Furthermore, the rate adaptation disclosed by Rasanen is according to CCITT Recommendation V.110, as stated above. V.110 mechanisms allow an indication of when a bit has to be skipped, or to be added since the exact end-to-end rate is different when two different networks are involved. Therefore, the motivation is from what is known in the art, which is disclosed by Rasanen reference. Whenever two different networks are combined there has to be some adjustment otherwise the network is not to work.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
March 25, 2005


JOHN PEZZLO
PRIMARY EXAMINER